

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSCIVIL APPEAL NO(S). 10637/2024

UNION OF INDIA & ORS.

Appellant(s)

VERSUS

NO. 6932220Y EX. HAV. ATTAR SINGH

Respondent(s)

[ONLY CA NO.1577-78/2022 IS LISTED UNDER THIS ITEM AS PER ORDER
DATED 21.10.2024]

WITH

C.A. No. 1577-1578/2022 (XVII)

(IA No. 20825/2022 - EX-PARTE STAY, IA No. 20826/2022 - EXEMPTION
FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 104920/2022 -
STAY APPLICATION)

Date : 30-01-2025 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s): Mr. Vikramjit Banerjee, A.S.G.
Ms. Rukhmini Bobde, Adv.
Mr. Sachin Sharma, Adv.
Ms. Nidhi Khanna, Adv.
Mr. Mukesh Kumar Maroria, AOR
Mr. Sharath Nambiar, Adv.
Ms. Indira Bhakar, Adv.
Mrs. Arunima Dwivedi, Adv.
Mrs. Seema Bengani, Adv.
Mr. Amit Sharma B, Adv.
Mr. Diwakar Sharma, Adv.
Mr. Jagdish Chandra Solanki, Adv.

For Respondent(s): Mr. Pavan Kumar, AOR
Mr. Rajesh Kumar, Adv.
Mr. P.R. Mandal, Adv.
Ms. Neelam, Adv.

Mr. Ranbir Singh Yadav, AOR
Mr. M.K. Gaur, Adv.
Mr. U. Shrivastava, Adv.
Ms. Anzu K. Varkey, Adv.
Mr. Puran Mal Saini, Adv.

UPON hearing the counsel the Court made the following
O R D E R

C.A. No. 1577-1578/2022

1. Shri Vikramjit Banerjee, learned ASG appearing for the appellants seeks time of two weeks to place the copies of the documents on record of these Appeals which were part of the record before the Armed Forces Tribunal (for short, "the Tribunal"). We grant him time of two weeks accordingly. It will be open for the appellants to file the documents along with an application within a period of two weeks from today. The respondent can respond to the said application within two weeks thereafter.

2. List the Appeals for hearing on 3rd April, 2025 (Thursday).

3. We may note here that an order of stay granted by this Court on 29th April, 2022 has operated only for a period of three weeks. We, therefore, direct that, in the meanwhile, the appellants shall release the necessary amounts to the respondent in terms of the impugned judgment. The release of the amounts will be subject to final outcome of the Appeals and without prejudice to the rights and contentions of the appellants.

4. Several appeals are being filed by the Union of India in this Court challenging the orders of the Armed Forces Tribunal wherein the benefit of disability pension has been granted to the members of the armed forces when they are invalidated after working for several years. The Government must adopt a benevolent approach while dealing with those who have served the armed forces for several years. The Armed Forces Tribunal consists of a very senior retired armed forces officer apart from a retired Judge of the High Court. In our view, every member of the armed forces, who gets the

relief of grant of disability pension from the Tribunal, need not be dragged to this Court. As in the case of tax matters, we are of the view that the Government of India must evolve a policy. There has to be some scrutiny before a decision is taken to drag the members of the armed forces to this Court. As we have given a longer date in these Appeals, we call upon the first appellant to disclose whether it is willing to take such a policy decision before the next date.

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)